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| 10/788,557 | 02/27/2004 | Richard L. Hartman | HA75-006 | 7069 |
| 21567 7590 01/24/2007 WELLS ST. JOHN P.S. 601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201 | | | EXAMINER DAYE, CHELCIE L | |
| | | | ART UNIT 2161 | PAPER NUMBER |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | | MAIL DATE | DELIVERY MODE |
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/788,557

Applicant(s)

HARTMAN ET AL.

Examiner

Chelcie Daye

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2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is issued in response to applicant's amendment filed on October 31, 2006.
2. Claims 1-8 are presented. Claim 8 was added and no claims were cancelled.
3. Claims 1-8 are pending.

Priority

4. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows:

The later-filed application must be an application for a patent for an invention, which is also disclosed in the prior application (the parent or original non-provisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No. 60/008700, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. Specifically, claim 8 recites the limitation of "an EPS format", which is not supported within the provisional application. Accordingly, claim 8 is not entitled to the benefit of the prior application.

Claim Objections

5. Claim 8 is objected to because of the following informalities: the use of the acronym "EPS", is not completely and clearly stated within the claim language nor within the specification. The acronym EPS is operable to represent a plurality of functions and unfortunately the specification does not provide a definition for the acronym. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, claim 8 recites the limitation of "an EPS format" which is not supported within the specification in such a way in order to allow one of ordinary skill in the art to obtain an adequate meaning of the acronym as well as obtaining the functionality and purpose of the acronym.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. **Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Taylor (US Patent No. 5,832,497) filed August 10, 1995.**

Regarding Claim 1, Taylor discloses a system for handling resume graphic files, comprising:

a server being configured to receive (columns 2-3, lines 59-67 and 1-15, respectively, Taylor), via HTML (column 4, lines 15-25, Taylor), fields for at least contact information, and resume graphic files which maintain the appearance, format information, and font information of original documents (column 5, lines 24-49, Taylor); and

a client machine in selective communication with the server (column 3, lines 7-15, Taylor), the server being configured to communicate to the client machine a resume graphic file upload request (columns 4-5, lines 63-67 and 1-15, respectively, Taylor), the client machine being configured to selectively transmit via HTML, to the server (column 4, lines 15-25, Taylor), some of the

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fields of the contact information and a resume graphic file (column 6, lines 8-34, Taylor).

Regarding Claim 2, Taylor discloses a system for handling resume graphic files, comprising:

a server being configured to receive (columns 2-3, lines 59-67 and 1-15, respectively, Taylor), via the World Wide Web (column 4, lines 15-25, Taylor), fields for at least contact information, and resume graphic files which maintain the appearance, format information, and font information of original documents (column 5, lines 24-49, Taylor); and

a client machine in selective communication with the server (column 3, lines 7-15, Taylor), the server being configured to communicate to the client machine a resume graphic file upload request (columns 4-5, lines 63-67 and 1-15, respectively, Taylor), the client machine being configured to selectively transmit via the World Wide Web, to the server (column 4, lines 15-25, Taylor), some of the fields of the contact information and a resume graphic file (column 6, lines 8-34, Taylor).

Regarding Claim 3, Taylor discloses a system for handling resume graphic files, comprising:

a server being configured to receive (columns 2-3, lines 59-67 and 1-15, respectively, Taylor), via the World Wide Web (column 4, lines 15-25, Taylor),

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fields for at least contact information, and resume graphic files which maintain the appearance, format information, and font information of original documents (column 5, lines 24-49, Taylor); and

a client machine in selective communication with the server (column 3, lines 7-15, Taylor), the server being configured to communicate to the client machine instructions for transmitting resume graphic files (columns 4-5, lines 63-67 and 1-15, respectively, Taylor), the client machine being configured to selectively transmit via the World Wide Web, to the server (column 4, lines 15-25, Taylor), some of the fields of the contact information and a resume graphic file (column 6, lines 8-34, Taylor).

Regarding Claim 4, Taylor discloses a system for handling resume graphic files, comprising:

a server being configured to communicate (columns 4-5, lines 63-67 and 1-15, respectively, Taylor), via the World Wide Web (column 4, lines 15-25, Taylor), instructions for transmitting fields for at least contact information, and graphic files which maintain the appearance, format information, and font information of resumes (column 5, lines 24-49, Taylor); and

the server being further configured to receive (columns 2-3, lines 59-67 and 1-15, respectively, Taylor), via the World Wide Web (column 4, lines 15-25, Taylor), fields for at least contact information, and the graphic files (column 5, lines 24-49, Taylor).

Regarding Claims 5 and 7, Taylor discloses a system for handling resumes, comprising:

a server being configured to receive (columns 2-3, lines 59-67 and 1-15, respectively, Taylor), via the World Wide Web (column 4, lines 15-25, Taylor), fields for at least contact information, the server being further configured to receive appearance, format information, and font information of the resumes (column 5, lines 24-49, Taylor); and

a client machine in selective communication with the server (column 3, lines 7-15, Taylor), the server being configured to communicate to the client machine instructions for transmitting appearance, format information, and font information of the resumes (columns 4-5, lines 63-67 and 1-15, respectively, Taylor), the client machine being configured to selectively transmit, to the server, via the World Wide Web (column 4, lines 15-25, Taylor), the appearance, format information, and font information of the resumes, and one or more fields of the contact information (column 6, lines 8-34, Taylor).

Regarding Claim 6, Taylor discloses a system for handling resumes, comprising:

a server being configured to communicate (columns 4-5, lines 63-67 and 1-15, respectively, Taylor), via the World Wide Web (column 4, lines 15-25,

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Taylor) instructions for transmitting appearance, format information, and font information of the resumes (column 5, lines 24-49, Taylor); and

the server being further configured to receive (columns 2-3, lines 59-67 and 1-15, respectively, Taylor), via the World Wide Web (column 4, lines 15-25, Taylor) the appearance, format information, and font information of the resumes, and fields for at least contact information (column 5, lines 24-49, Taylor).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US Patent No. 5,832,497) filed August 10, 1995, in view of "Free On-Line Dictionary of Computing, published January 4, 1995; hereinafter referred to as 'FOLDOC'.**

Regarding Claim 8, Taylor discloses all of the claimed subject matter as stated above. However, Taylor is silent with respect to the resume graphic files being of an EPS format. On the other hand, FOLDOC discloses a system for handling resume graphic files wherein the resume graphic files are of EPS format (pg. 1, FOLDOC). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the definition and teachings of

Encapsulated Postscript into the Taylor system. A skilled artisan would have been motivated to combine as a way of satisfying additional restrictions, which may have been caused within the past. The encapsulated postscript is intended to be printed from within other applications and applicable to contain a variety of text and image formats. Thereby, allowing for a more informative and precise document.

Response to Arguments

Applicant argues, Taylor does not disclose "appearance, format information, and font information", as recited in the claims.

Examiner respectfully disagrees. Examiner recognizes and appreciates the applicant's thorough explanation of their interpretation of the meaning of the terms "appearance", "format", and "font". However, the detailed definitions given are not supported by the claim language nor the specification in anyway. As such, examiner is required to give the broadest reasonable interpretation of the claim language. Therefore, according to the "Microsoft Computer Dictionary", the definition for the term appearance is an outward aspect, the definition for the term format is structure or appearance of a unit of data, and the definition for the term font is a set of characters of the same typeface, style, and weight. As such, the examiners interpretation of the claim language has been determined from the above stated definitions along with the present applications specification, which clearly states at paragraph [0050] that "an applicant can use a facsimile machine to fax his/her resume and the facsimile machine creates a

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graphics file". Therefore, examiner believes all of the claim limitations have been fully disclosed.


Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chelcie Daye whose telephone number is 571-272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye
Patent Examiner
Technology Center 2100
January 18, 2007


Sana Al-Hashemi